



## BYLAWS OF THE DC STATE BOARD OF EDUCATION

### INTRODUCTION

In accordance with the District of Columbia Official Code § 38-2652(d)(1) (referred to as “the DC Official Code”), the District of Columbia State Board of Education (“State Board” or “SBOE”) hereby adopts the following bylaws, effective as of the date and authorized signature below, for its own governance and to promulgate such regulations as may be necessary to carry out its powers and duties.

### ARTICLE I: COMPOSITION AND AUTHORITY

#### 1.1 Composition

The composition and governance of the State Board, the manner in which members are elected, qualifications for holding the office as a member of the State Board, and the term of office of members of the Board are established by the DC Official Code § 38-2651.

1.1.1 Two (2) high school students attending a public school within the District of Columbia shall be selected by the State Board to serve as representatives of the District of Columbia’s student population. The student representatives serve a one (1) year term from August-July, and shall be invited to participate in all meetings, as well as committees. The votes of student representatives shall be recorded, but shall not affect the outcome of a State Board action. Student representatives shall be selected through an application process as follows:

- (1) Applications are created by the Executive Director;
- (2) Applications must be published and every reasonable effort should be made to send the application to the principal of each public and public charter high school in the District of Columbia by at least the end of May, and there must at least a one (1) month period before the application deadline;
- (3) Two (2) applicants must be selected based on their applications. The State Board may choose to delegate this responsibility to an ad hoc committee or the President. Every effort will be made to ensure diversity among the selected applicants;
- (4) Selected applicants shall be notified no later than the end of July;
- (5) In the case of a vacancy, vacancies shall be filled by the President.

#### 1.2 Authorities & Jurisdiction

The authority and jurisdiction of the State Board are set forth in the DC Official Code § 38-2652. In accordance with the DC Official Code, the State Board advises and reviews for approval statewide educational issues, policies, regulations, plans and standards.



### 1.3 Official Acts

The State Board shall exercise its authority through the official acts of its members taken while the State Board is in session, when a quorum of the State Board is present and in compliance with the Open Meetings Act (DC Official Code §2-571 to §2-579).

### 1.4 Research

In order for a matter to be voted upon by the State Board, it must first be considered at either at one or more working sessions or approved by a committee of the State Board. Effort shall be taken to ensure Board deliberations are informed by research provided by the State Board staff, the State Superintendent, and other relevant organizations.

### 1.5 Role

Consistent with its role in shaping critical educational policies, the State Board of Education may also make recommendations that the State Board believes would improve public education in the District of Columbia.

### 1.6 Community Input

The State Board is committed to receiving community input with respect to issues brought before it through community meetings and forums, surveys of families and students, public comment, engagement with stakeholders and other methods designed to amplify community voices.

### 1.7 Record of Official Acts

The official acts of the State Board shall be recorded in an official transcript and meeting record that shall be maintained in the District of Columbia Archives.

### 1.8 Policies and Procedures

The State Board shall adopt official policies and procedures as needed for the efficient operation of the State Board and in partnership with its component Offices as defined in Article III below. In the absence of an adopted policy and procedure, the relevant policy or procedure of the District of Columbia government agency with subject matter jurisdiction over the subject matter at issue shall be identified and followed.

## ARTICLE II: OFFICERS OF THE BOARD

### 2.1 Officers

Officers of the State Board shall be a President and a Vice President. No member may serve as both President and Vice President at the same time.



## 2.2 President

The State Board is headed by a President, in accordance with the DC Official Code. The President shall serve in a general leadership role over the affairs of the State Board, shall conduct all meetings of the State Board as the "chair," and shall perform all duties of the President provided for by the DC Official Code. The President may make motions, second motions, participate in discussion, and vote on all matters at meetings of the State Board.

### 2.2.1 Duties of the President

The President shall:

- (1) Serve as spokesperson for the State Board and shall make all formal statements in the name of the State Board. The President (or a designee) shall speak, write, and act on behalf of the State Board on the issues consistent with the functions, objectives, and purposes of the State Board;
- (2) Represent the State Board to the State Superintendent;
- (3) Appoint members to represent the State Board of Education before other governmental bodies or committees as may be needed in his or her judgment to fulfill the State Board's responsibilities;
- (4) Serve as an ex-officio voting member of any committees, either by substituting for an appointed member who is not present, with no change in an affected committee's quorum requirement; or by serving as an additional member, with the affected committee's quorum requirement being increased if necessary;
- (5) Preside, or appoint a designee to preside, at all meetings of the State Board and follow-up with the State Superintendent to ensure that all agreed-upon actions are implemented;
- (6) Serve, or appoint a designee to serve, on committees or councils that may be created by statute or official order where required or where, in his or her judgment, proper carrying out of the State Board's responsibility demands such service and ensure the full State Board is kept apprised of the activities of such committee or council;
- (7) Keep abreast of local, state, and national issues through direct involvement in various conferences and programs dealing with such issues; and inform State Board members of local, state, and national issues;
- (8) Serve, as necessary, on local, state, and national organizations, committees or councils that have an impact on public education or designate a member to serve in his or her place;
- (9) Initiate the annual evaluation of the State Board's vision, mission, and goals;
- (10) Initiate regular updates to the agency's strategic plan.
- (11) Provide overall direction for the Office of the State Board's staff;
- (12) Ensure that the expenditure of State Board funds is compliant with District law.

### 2.2.2 Election of the State Board President



The State Board will select a President from among its nine (9) members. The President shall serve until his or her successor is elected in accordance with this section. The annual election of the President of the State Board shall be the first order of business on the agenda at the first Public Meeting January in each calendar year.

The election of the President shall be carried out as follows:

(1) The President shall be elected by a majority Board of State Board members present and voting under the rules set forth in these bylaws. The meeting to elect the President shall be called to order by the member of the State Board with the longest tenure on the State Board. In the event that two members have the same tenure, whichever member was sworn in first shall have the longer tenure.

(2) Nominations for the President may be made by any member of the State Board. No second shall be required.

## 2.5 Vice President

The Vice President shall assist the President in his or her duties, as the President may direct, and shall preside at meetings and appoint members of committees during the President's absence. The annual election of the Vice President of the State Board shall be the second order of business on the agenda at the first Public Meeting January in each calendar year.

The election of the Vice President shall be carried out as follows:

(1) The Vice President shall be elected by a majority of the full State Board. The meeting to elect the Vice President shall be called to order by the President.

(2) Nominations for the Vice President may be made by any member of the State Board. No second shall be required.

## 2.6 Office

Newly elected officers shall assume office immediately following their election as officers.

## 2.7 Absence of Officers

In the absence of the President and Vice President from an official meeting of the State Board, the Chair will fall to the member of the State Board with the longest tenure on the State Board. In the event that two members have the same tenure, whichever member was sworn in first shall have the longer tenure.

## 2.8 Vacancies

Whenever a vacancy occurs in the membership of the State Board, the vacancy shall be filled in accordance with the DC Official Code and any other applicable laws of the District of Columbia.

## 2.9 Special Election



Whenever the office of President or Vice President becomes vacant for any reason, the State Board shall hold a special election, at the next meeting of the State Board, to fill the vacant office. A vacant officer position shall be filled by a majority vote of the full State Board.

### ARTICLE III: OFFICES WITHIN THE AGENCY OF THE STATE BOARD

#### 3.1 Offices of the State Board

The Agency of the State Board consists of the Office of the State Board, the Office of the Ombudsman for Public Education and the Office of the Student Advocate. Staff within the three offices shall be hired in accordance with DC Official Code and DC Municipal Regulations, unless an alternative policy or regulation is adopted by the State Board, Ombudsman or Chief Student Advocate in accordance with DC Official Code.

#### 3.2 Office of the State Board.

An Executive Director shall be appointed by the State Board to support the State Board in all its operations. The Executive Director reports to the President of the State Board. All staff within the Office of the State Board shall report to the Executive Director. The Executive Director shall serve as Head of Agency for the State Board and retain responsibility for the agency's budget, human resources, procurement, contracting, risk management, information technology, and other administrative requirements. The Executive Director shall also serve as a liaison between the State Board and the Office of the State Board staff. After notice and an opportunity to be heard, the Executive Director may be removed for cause or with the two-thirds majority vote of the State Board.

#### 3.3 Office of the Ombudsman for Public Education

The State Board shall in accordance with DC Official Code § 38-351 appoint an Ombudsman for Public Education. The Ombudsman reports to the State Board. The Ombudsman shall have exclusive authority over the personnel and budget of the Office of the Ombudsman for Public Education. The Ombudsman shall perform the duties and responsibilities of DC Official Code § 38-353 without interference from any outside agency, individual or organization. The Ombudsman shall not be constrained in the issuance of reports and recommendations. After notice and an opportunity to be heard, the Ombudsman may be removed only for cause that relates to the Ombudsman's character or efficiency by a two-thirds majority vote of the State Board of Education, in accordance with DC Official Code § 38-351(b)(3).

#### 3.4 Office of the Student Advocate

The State Board of Education shall in accordance with DC Official Code § 38-371 appoint a Chief Student Advocate. The Chief Student Advocate reports to the State Board. The Chief Student Advocate shall have exclusive authority over the personnel and budget of the Office of the Student Advocate. The Chief Student Advocate shall perform the duties and responsibilities of DC Official Code § 38-373 without interference from any outside agency, individual or organization. The Chief Student Advocate shall not be constrained in the issuance of reports and recommendations. After notice and an opportunity to be heard, the Chief Student Advocate may be removed only for cause that relates to the Chief Student Advocate's character or efficiency by



a two-thirds majority vote of the State Board of Education, in accordance with DC Official Code § 38-371.

## ARTICLE IV: BOARD OFFICIAL MEETING PROCEDURES

### 4.1 Meetings

The board can have the following types of meetings: public meetings, working session and roundtable.

#### (1) Public Meetings

Official public meetings are the monthly meeting of the State Board pursuant to the DC Official Code. A public meeting of the State Board is held for the purpose of taking testimony concerning business before the State Board and conducting votes on matters before the State Board.

#### (2) Working Sessions

A working session is a meeting held for the purpose of determining the contents of a measure to be considered by the State Board. A working session is different from a public meeting as in a working session, no votes are taken and no testimony is taken from the public, although the public may attend the working session.

#### (3) Roundtables

A roundtable is a meeting of individuals or representatives of organizations in which people (including board members) discuss topics on equal terms in order to hear various viewpoints and debate an issue before the State Board in a more informal manner.

### 4.2 Open Meetings

All meetings of the State Board shall be open to the public in accordance with the District of Columbia Open Meetings Act (DC Official Code §2-571 to §2-579).

### 4.3 Time and Place of Meetings

The State Board shall conduct its meetings at a time and place designated by the State Board, as required to conduct official business in accordance with the District of Columbia Open Meetings Act

### 4.4 Public Notice

The State Board shall give public notice of meetings in a manner consistent with the Open Meetings Act. Public notice shall be given at least forty-eight (48) hours or two (2) business days prior to the time of the meeting, showing the date, time and place thereof.

### 4.5 Participation





Unless otherwise specifically provided by consent of the State Board members present at a meeting, or by any provision of applicable law, only the following parties may address the State Board and participate in State Board meetings:

- (1) Members of the State Board;
- (2) Executive Director of the State Board or his or her designee;
- (3) The State Superintendent or his or her designee
- (4) Students in District of Columbia schools; and
- (4) Interested parties recognized by the President. Interested parties will be provided time to appear before the State Board at open meetings to address the State Board on issues on the State Board's agenda or other issues pending before the State Board.

#### 4.6 Quorum

A majority of properly seated members of the State Board present at a meeting shall constitute a quorum for the purpose of transacting business at any State Board meeting. A quorum consists of five (5) or more members of the State Board.

#### 4.7 Voting

Motions and approval or advisory resolutions will be passed upon a majority of members present having voted in the affirmative. In the event of a tie vote, the resolution will fail. Votes shall be recorded for the official record.

- (1) Participation of members by telephone or other approved electronic device must be approved by majority vote of the State Board and occur in accordance with the Open Meetings Act;
- (2) In the event of a vote involving a member who is participating by telephone or other approved electronic conference call device the vote shall be recorded by roll call in accordance with the Open Meetings Act (DC Official Code §2-571 to §2-579).

#### 4.8 Written documents

Written documents presented at a meeting or written documents provided to the State Board prior to a meeting, may be acted upon and inserted into the record without reading the material into the record at the discretion of the President or person conducting the meeting on behalf of the President.

#### 4.9 Parliamentary Authority

Roberts' Rules of Order, Newly Revised, 11th Edition shall be used as a guide to govern the conduct of business at meetings of the State Board, and any committee authorized by the State Board in all cases in which they are applicable and not in conflict with these bylaws.

#### 4.10 Special Meeting



The President may call special meetings of the State Board not less than seventy-two (72) hours prior to the meeting. A majority of properly seated members of the State Board may call a special meeting of the State Board by informing the President in writing of the purpose of the special meeting not less than seventy-two (72) hours prior to the meeting.

#### 4.10.1 Notice

In accordance with the District of Columbia Open Meetings Act, public notice of a special meeting shall be provided as soon as possible, but not less than 48 hours or two (2) business days, whichever is greater, before the meeting.

#### 4.10.2 Special Agenda

The agenda of the special meeting shall include only those items set forth in the notice of the purpose of the meeting. Items not on the agenda may be added for information, or referral under a waiver of the rules.

#### 4.11 Prior Action

The Board shall take action on a matter of policy only when the Board has discussed the matter at the immediately preceding working session. This provision may be waived by a two-thirds vote of the members present.

#### 4.12 Meeting Materials

Items such as regulations, standards, policies, resolutions and other official materials may only be placed on the agenda for consideration at a public meeting or working session of the State Board if the material has been received by the office of the State Board by noon on the day five days prior to the meeting. Ceremonial actions, resolutions or recognitions are not subject to this provision.

#### 4.13 Agenda

A written agenda of matters to be considered at each regular or special meeting shall be given to each Board member no less than three (3) business days prior to the date fixed for the meeting. Items to be included in the agenda for the regular meeting shall be submitted to the President in writing along with a title and/or description of the agenda item by the following:

- (1) Ad hoc and advisory committees of the Board relating to their reports;
- (2) Any Board member, at least seven (7) business days prior to the date of the meeting at which consideration is desired and containing a title and/or description of the agenda items.
- (3) The Office of the State Superintendent of Education, at least seven (7) business days prior to the date of the meeting at which consideration is desired and containing a title and/or description of the agenda items.
- (4) The order of business for public meetings is as follows:





- (a) Call to Order & Quorum
- (b) Approval of Agenda
- (c) Approval of Minutes
- (d) Comments from the President
- (e) Comments from the State Superintendent
- (f) Public Comments
- (g) Action Items
- (h) Presentations
- (i) Committee & Member Reports
- (j) Adjournment

(5) The order of business for working sessions is as follows:

- (a) Call to Order & Quorum
- (b) Items to be considered at the next public meeting
- (c) Items to be considered at future public meetings
- (d) Reports from the President
- (e) Reports from Committee Chairs
- (f) Reports from Members representing the SBOE
- (g) Reports from Members
- (h) Reports from Offices
- (i) Adjournment

## ARTICLE V: COMMITTEES

### 5.1 Standing Committee

Upon adoption of these bylaws, a standing committee shall be established to monitor and oversee the State Board's budget, personnel and governance. This committee shall consist of the Vice President (or their designee), who shall serve as chair, and two other members. The members of this committee shall be elected by the membership of the State Board on a staggered two-year term, except the first election in which one member will serve one year.

#### 5.1.1 Authority

The standing committee shall be responsible, with the administrative support of the Executive Director of the State Board, for:

- (1) Development and submission to the State Board of an annual budget for the agency of the State Board of Education, in conjunction with the Executive Director, Ombudsman and Chief Student Advocate;
- (2) Review and approval of expenditures over \$2,500 within the Office of the State Board;



(3) Setting of office goals, performance standards, and the evaluations for and, in collaboration with, the Executive Director of the State Board of Education, Ombudsman and Chief Student Advocate;

(4) As needed, evaluating and recommending to the State Board candidates for the positions of Executive Director, Ombudsman and Chief Student Advocate;

(5) Approving qualifications and salary guidelines for all staff positions with the Office of the State Board.

(6) Approving qualifications and salary guidelines for the Ombudsman for Public Education in accordance with DC Official Code § 38-351 and the Chief Student Advocate in accordance with DC Official Code § 38-371;

(7) Making recommendations to the State Board of revisions to the bylaws, procedure and policies of the State Board; and,

(8) General oversight of the agency.

5.1.2 Appeal of Standing Committee Decisions. If the head of an Office (Executive Director, Ombudsman, Chief Student Advocate) believes the decision of the Standing Committee to be in error, that decision may be appealed to the full State Board at its next meeting.

#### 5.1.3 Open Meetings

Due to the jurisdiction of the standing committee, its meetings are closed unless otherwise noticed, in accordance with the Open Meetings Act.

#### 5.1.4 Ex Officio member

The President shall be an ex officio member of the standing committee, but may only vote to break a tie.

### 5.2 Ad Hoc Committees

The State Board may, from time to time, vote to establish ad hoc committees to help carry out its responsibilities. These may be proposed by the President or any member or members of the State Board may submit a proposal for the creation of a committee to the State Board in the form of a resolution. Such a resolution must follow the regular consideration process. Subject to the approval of a majority of members, the resolution will identify the charge of the committee and may appoint a committee chair and members of the committee. It is expected that committees will report back to the full State Board on a regular basis.

#### 5.2.1 Authority

No ad hoc committee is authorized to take any form of official action or to speak on behalf of the State Board.



### 5.2.2 Ex Officio member

The President shall be an ex officio member of every such ad hoc committee.

### 5.2.3 Open Meetings

If an ad hoc committee has five or more elected State Board members, the committee shall provide notice and conduct its proceedings in public, unless closed for executive session, in accordance with the Open Meetings Act. Any member of the State Board may attend an ad hoc committee executive session.

### 5.2.4 Chairperson

The chairperson of an ad hoc committee:

- (1) Presides at meetings of the committee he or she chairs, except that he or she shall yield the chair to another committee member in the event he or she will be absent or confronts a conflict regarding any matter coming before the committee, and may yield the chair to another committee member for personal reasons; and
- (2) In consultation with the President, other committee members, and appropriate staff, shall assist in the preparation of committee agendas and coordinate and facilitate the work of the committee in furtherance of the State Board's goals and objectives.

### 5.2.5 Non-Member Appointments

Appointments of non-members of the State Board to an ad hoc committee shall be made by the President with the approval of a majority of members of the State Board. These appointments shall be made in consultation with the committee chair(s), taking into consideration nominees submitted by State Board members, and identified groups or organizations.

## ARTICLE VI: RECORDS

### 6.1 Books and Records

Except as otherwise provided for by resolution or as the business of the State Board may require, all books and records shall be kept at the office of the State Board or the District of Columbia Archives.

### 6.2 Record of Meetings

Public Meetings and working sessions will be recorded and maintained as part of the State Board's permanent records. Copies recorded shall be kept for all public meetings and shall be made available to the public for inspection during normal business hours. Such copies shall be available, upon request, to the public at a reasonable cost. The State Board shall strive to provide additional methods of access including video recording, transcripts and minutes when possible.



## State Board of Education of the District of Columbia

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## ARTICLE VII: ETHICS

### 7.1 Ethical Standards

Members and staff of the State Board shall pledge to conduct themselves and maintain an organization with the highest ethical standards and shall uphold the standards of the [District of Columbia's Code of Conduct](#).

### 7.2 Conflict of Interest

Elected officials shall not act on, or decide, any matter in which there is a conflict or potential conflict, created by their financial, personal, family, business, or client interest. Failure to disclose or violations of this section may be cause for censure by the State Board.

### 7.3 Official Statements

Members of the State Board shall make official statements on behalf of the State Board only when authorized by the State Board to do so. Violations of this section may be cause for censure by the State Board.

### 7.4 Individual Statements

The State Board shall not be bound in any way by an action or statement of an individual member or group of Board members, except when the action or statement is authorized by the full State Board. Staff of all entities under the supervision or oversight of the State Board are prohibited from lobbying other governmental agencies on items under the jurisdiction of the State Board unless authorized by the State Board to do so, except actions by the Ombudsman or Chief Student Advocate in the performance of their statutory duties. Actions taken in violation of this section may be cause for termination, in the case of a staff member, or censure, in the case of a Board member.

### 7.5 Binding Statements

No individual State Board member or Office of the State Board staff member is authorized to make statements or bind the State Board to a particular action unless the State Board as a whole has officially sanctioned the statement. Violations of this section may be cause for termination, in the case of a staff member, or censure, in the case of a Board member..

### 7.6 Official Acts

The State Board shall exercise its authority through the official acts of its members taken while the State Board is in session, when a quorum of the State Board is present, and when provisions of the bylaws and requirements of the Open Meeting Act have been observed.



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## 7.7 Quorum

The State Board may not take official action without first convening a session and establishing a quorum.

## 7.8 Personal Benefit

Members of the State Board shall refrain from using the State Board membership as a basis for obtaining personal benefit or privilege for themselves or others. Violations of this section may be cause for censure.

# ARTICLE VIII: Censure and Reprimand Procedures

## 8.1. Investigatory Committee.

(a) An investigatory committee shall be established for the purposes of considering evidence of a violation of the District of Columbia Code of Conduct, policy, or law and making recommendations for further action. An investigatory committee shall be automatically established by request of any 3 members of the State Board, or if a member is censured by the Board of Ethics.

(b) The investigatory committee shall be composed of 3 members appointed by the President or, if the President is the subject of the request or Board of Ethics sanction, by the Vice President. The committee shall not include the member who is the subject of the request. The committee's proceedings may be conducted in executive session in accordance with the Open Meetings Act, except that its recommendation for further action shall be made public

(c) No penalty pursuant to sections 8.4 and 8.5, shall be imposed unless first recommended by an investigatory committee of the State Board.

## 8.2. Investigatory Committee Initiated by the Board of Ethics Censure.

(a) An investigatory committee shall be established by the State Board within 72 hours of a censure of one of its members by the Board of Ethics, or as soon as practicable. An investigatory committee shall consider the findings of the Board of Ethics, conduct an investigation if warranted, and report its findings and penalty recommendations, if any, to the State Board within 45 days of being convened. The penalty recommendations may include: (1) Reprimand or (2) Censure.

(b) The State Board shall meet to consider the recommendation within 7 days of receiving the recommendations from the committee.

## 8.3. Investigatory Committee by Request.

(a) A request for censure or expulsion of a member of the State Board may be submitted to the Executive Director by any 3 members of the State Board. The request shall contain the specific charges on which the proposed sanction is based.



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(b) The Executive Director shall deliver a copy of the request for an Investigatory committee and the charges to each member of the State Board at least 48 hours prior to the first meeting of the committee at which the request will be first considered.

(c) The committee's proceedings may be conducted in executive session in accordance with the Open Meetings Act. The committee shall permit testimony from both the member making the request and the member subject to the request and shall determine whether:

(1) Further investigation of the charges is required to determine if a hearing is warranted;

(2) The matter is to be set for a hearing; or

(3) No further action should be taken with respect to the request.

(d) If the committee determines no further action should be taken with respect to the request, the committee shall report that to the State Board at its earliest opportunity. If the committee determines that further investigation is required, the committee shall conduct an investigation and report a summary of its proceedings and its findings, along with penalty recommendations, if any, to the State Board at its earliest opportunity. The penalty recommendations, if any, may include: (1) Reprimand or (2) Censure.

(e) If the committee does not report its recommendation and findings to the State Board within 90 calendar days of the receipt of the request to convene the committee, the matter shall be sent to the State Board for its consideration.

(f) Upon receipt of the report of the committee, or at the expiration of the time for the committee to report to the State Board, the President shall place the matter on the State Board's agenda to determine whether or not a hearing is warranted. If the President decides to set the matter for a hearing, it shall be scheduled for a hearing no sooner than one week after the determination to hear the matter. Written notice of the hearing shall be delivered in person to the member of the State Board who is the subject of the request at least 48 hours in advance of the scheduled hearing.

(g)(1) The hearing shall be conducted by the President or, if the President is the subject of the hearing, by the Vice President. At the hearing, the member of the State Board who is the subject of the request shall be given the opportunity to make an opening and a closing statement, to call witnesses on his or her behalf, and to question his or her accusers. The member who is the subject of the request may be represented by a person of the member's choice whether or not the person is an attorney at law and may have that representative speak or question witnesses on the member's behalf.

(2) The questioning or cross-examining of witnesses may be reasonably limited by the presiding member.

(3) Testimony shall be taken only from witnesses having direct knowledge of facts or circumstances relevant to the specific charges under consideration.

(4) The rules of evidence and judicial procedure applicable in courts of law shall not be applicable to this hearing, and the procedures shall be generally informal.



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(h) Notwithstanding any other provision of this rule, the President, pursuant to an authorizing resolution, may appoint any person or a standing or special committee to perform any investigation authorized by the rule.

#### 8.4. Reprimand.

(a) A reprimand is a formal statement of the State Board officially disapproving the conduct of one of its members. A reprimand shall be directed to a particular member of the State Board based on a particular action or set of actions that is determined to be in violation of the State Board's bylaws, law, or policy, but is considered to be not sufficiently serious to require censure. A reprimand is distinguished from censure in that it is not punishment or discipline and, therefore, does not require an investigation or hearing.

(b) The State Board may adopt a resolution of reprimand in the same manner as provided for the adoption of any resolution; provided, that the State Board member who is the subject of the resolution is permitted to speak in his or her defense prior to action on the motion for adoption of the resolution. The fact that the State Board member who is the subject of a reprimand does not choose to respond to the resolution or does not attend the meeting at which the resolution is to be adopted shall not prevent the State Board from adopting the resolution; provided, that the State Board member had actual notice of the inclusion of the resolution on the agenda and had a reasonable opportunity to attend the meeting.

#### 8.5. Censure.

(a) Censure is a formal statement of the State Board officially disciplining one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing. Any member on whom censure is imposed shall be immediately removed from all State Board committees on which the censured member serves at the time of the censure. The censure of an officer shall initiate officer removal proceedings as set forth in law. The censured member shall be ineligible to hold any officer position or serve on any State Board committee for the remainder of the calendar year during which censure is imposed. Replacement committee assignments and/or officer positions shall be filled at the next regularly scheduled meeting of the State Board. Censure should be used for cases in which the State Board determines that the violation of law or policy is a serious offense. To protect the overriding principle of freedom of speech, the State Board shall not impose censure on any member for the exercise of his or her First Amendment right, no matter how distasteful the expression of that right was to the State Board and the District. Nothing in this rule shall be construed to prohibit the State Board, as a body, from condemning and expressing its strong disapprobation.

(b)(1) The State Board may, by a 2/3rd vote of State Board members present and voting, adopt a resolution of censure if it finds, based on substantial evidence, that a State Board member took an action that amounts to a gross failure to meet the highest standards of personal and professional conduct.



(2) Substantial evidence is proof that a reasonable person would accept as adequate to support a conclusion or decision in favor of censure.

## ARTICLE IX: SELF-EVALUATION AND ANNUAL REVIEW

### 9.1 Monitoring

The State Board will monitor its own process and performance to ensure continuity of State Board improvements, integrity of State Board actions and progress toward State Board goals. The State Board will be accountable to the public for its adherence to its vision, mission, and core values.

### 9.2 Input

The State Board may seek the input from others regarding the effectiveness or impact of State Board initiatives as part of the evaluation process, and may utilize the services of an independent consultant in doing so.

### 9.3 Annual Review

In October of each year, the State Board shall publish a review of itself and its activities for the prior year. Each year, in accordance with DC Official Code 38-353, the Office of the Ombudsman for Public Education shall present an annual report to the State Board. Each year, in accordance with DC Official Code 38-373, the Office of the Student Advocate shall present an annual report to the State Board.

## ARTICLE X: PROFESSIONAL DEVELOPMENT

### 10.1 Board Professional Development

The State Board, with the assistance of the Executive Director, shall be responsible for its own development. This development shall take place through membership and participation in organizations such as the National Association of State Boards of Education and other activities such as State Board retreats, conferences, conventions, workshops, or committees.

## ARTICLE XII: STUDENT REPRESENTATIVES

### 12.1 Student Representatives

Two (2) high school students attending a public school within the District of Columbia shall be selected by the State Board to serve as representatives of the District of Columbia's student population. The student representatives serve a one (1) year term from August-July, and shall be invited to participate in all meetings, as well as committees. The votes of student representatives



shall be recorded, but shall not affect the outcome of a State Board action. Student representatives shall be selected through an application process as follows:

- (1) Applications are created by the Executive Director;
- (2) Applications must be published and every reasonable effort should be made to send the application to the principal of each public and public charter high school in the District of Columbia by at least the end of May, and there must at least a one (1) month period before the application deadline;
- (3) Two (2) applicants must be selected based on their applications. The State Board may choose to delegate this responsibility to an ad hoc committee or the President. Every effort will be made to ensure diversity among the selected applicants;
- (4) Selected applicants shall be notified no later than the end of July;
- (5) In the case of a vacancy, vacancies shall be filled by the President.

### ARTICLE XIII: INTERPRETATION OF BYLAWS, POLICIES AND PROCEDURES

#### 13.1 Interpretation

All words, terms and provisions of the bylaws, Orders, and any policies and procedures shall be interpreted and defined by and in accordance with the DC Official Code, and all other applicable laws, as amended from time to time hereafter.

### ARTICLE XIII: BUSINESS DAY

14.1 "Business Day" means "Monday through Friday, except for federal or state holidays."

### ARTICLE XIV: AMENDING AND SUSPENDING BYLAWS

#### 15.1 Amendments

These bylaws may be amended by a two-thirds affirmative vote of the State Board.

#### 15.2 Notice

All members shall be given notification of proposed amendments to the bylaws at the meeting preceding the meeting at which the bylaws are to be amended.

#### 15.3 Review

The State Board shall review the bylaws every two years.

#### 15.4 Suspending By-Laws

These bylaws may be suspended at any meeting by a two-thirds affirmative vote of the voting board members present at the meeting.



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EFFECTIVE DATE:

This Order shall become effective immediately and shall supersede all prior inconsistent Orders.

Adopted:

Attest:

  
\_\_\_\_\_  
President  
DC State Board of Education

*Dec. 21<sup>st</sup>, 2016*

Approved

